

# City of La Verkin

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## La Verkin City Council Meeting Minutes

Wednesday, August 5, 2015 6:00 p.m.

Council Chambers, 111 S. Main, LaVerkin, Utah

**Present:** Mayor Kerry Gubler; Council-Members: Richard Hirschi, Ken Hooten, Randy Reeve, and Chantelle Browning; Staff: Kyle Gubler, Derek Imlay, Troylinn Benson, Kevin Bennett, Chief Ben Lee, and Christy Ballard; Public: John & Rose Valenti, Cherie Santiago, Connie Walling, Jackson Clyde, Zach Miller, Leo Wright, Trace & Ethan Allen, Nataly Burdick, Fay Reber, Neil Schwendiman, Blair & Jillene Gubler, Claudia & Eldon Pierce and Phyllis Terrana.

**A. Called to Order** – Invocation and the Pledge of Allegiance was given by Ken Hooten at 6:00pm.

**B. Recognitions:**

Mayor Gubler presented Claudia Pierce with a certificate of appreciation and a gift card for planning the July 4<sup>th</sup> celebration.

**C. Consent Agenda:** (Items on the consent agenda may not require discussion. These items will be a single motion unless removed at the request of the Mayor or City Council.)

1. Declarations of conflict of interest
2. Agenda
3. Minutes: June 17, 2015 and July 1, 2015 regular meeting minutes
4. Review Invoices and Checks: \$190,908.10

Councilman Reeve would like to move Business item 3 to Business item 1; Fay Reber and Neil Schwendiman have another meeting they need to attend.

**Motion was made by Councilman Richard Hirschi to approve the consent agenda with the suggested change, the minutes of June 17, 2015 and July 1, 2015 regular meeting and the checks and invoices in the amount of \$190,908.10, second by Councilman Randy Reeve. Roll Call Vote: Reeve-yes, Hooten-yes, Hirschi-yes, Browning-yes. Motion carried unanimously.**

**D. Committee Reports:**

1. Planning Commission-Councilman Hirschi reported the Planning Commission met on July 12<sup>th</sup>. There was discussion on a proposed ordinance amending the City Zoning Map and the height of commercial buildings. There will be a public hearing during the next meeting to receive input for a Development Agreement for a new hotel and a parking requirement change for transient housing.
2. Community Garden-Councilman Hirschi reported the garden would be tilled up soon.
3. Water Board-There has not been a meeting.
4. Sewer Board- Blair reported they have been and will continue discussing impacts. What other cities are charging and how the money should be used.
5. Fire District-Councilman Hooten reported they are discussing Leeds Fire Department combining with the Fire District.  
There was a presentation and discussion on impact fees for new developments.

#### **E. Citizen Comment & Request for Future Agenda Items:**

Cherie Santiago-Has been a resident of La Verkin for the last 8-9 years. She is in favor of the recycling program. She knows there are many people against the program but feels they have that opinion due to laziness, which is a horrible excuse. She also feels the recycling community has become complacent on recycling because it is such a hassle to keep separate bins and haul them to the binnies, which are usually full, and that is a horrible excuse as well. We have an opportunity that is being backed by Washington County. Several cities have already voted for it, while others are deciding shortly. If we all got behind the program, it could be very beneficial for the community.

There are a lot of other projects going on to improve the City, this one is by far the easiest.

She feels the option to opt out is good for those people that really don't want to participate but likes that the move ins will be automatically enrolled.

Cherie also feels once the opportunity is there, many of the citizens will recycle.

Everything you get from the grocery store is recyclable.

Phyllis Terrana-has lived in La Verkin for 25 years. The development behind her home was started in 2006 and has stopped and started multiple times without completion. She feels developers, as a whole, can do whatever they want with no rules or consequences. She would like to know if there are any ordinances currently on the books to protect citizens from developers. Her fence has been torn down, top soil has been removed and her once pristine land is now half tumbleweeds. She feels La Verkin has become a renegade town with the City fathers doing nothing about it. She isn't the only person having issues with the development. She used to come to meetings all the time but felt what she said didn't change anything.

Mayor Gubler replied while he is unable to respond directly to this situation, the City does have ordinances to protect the citizens.

#### **F. Business:**

3. Discussion and possible action to (1) approve Resolution No. 2015-14; A resolution approving the Curbside Residential Recycling Collection Agreement between Washington County Special Service District No. 1 and Dixie Waste Services and authorizing the execution of an Agreement between Washington County Special Service District No. 1 and the City of La Verkin, and (2) approve Ordinance No. 2015-07; An ordinance establishing the City of La Verkin Curbside Residential Recycling Collection Program, including rules and procedures for implementation and enforcement of said program.

Councilman Reeve invited Neil Schwendiman back to this meeting to help answer any questions the Councilmembers may have.

Mayor Gubler pointed out the District would like a response from each city soon so they can get the process started.

Neil explained if the cities are choosing an opt-out program the District will need to know by September 1 so citizens will have the full 60 days to opt out if they would like to and everyone in the County will be on the same schedule.

The District has developed a tool kit to help cities get the information to its residents.

The opt out option that the District's legal counsel put together gives each member of the community the ability to opt out one time. If they move, their new residence will be automatically included in the program and so will the home they just left.

Fay explained the City would need to first, approve a resolution approving the agreement between the District and Dixie Waste and agree to participate in the program and to bill for it. Second, approve an

ordinance choosing the plan the City would like to go with, the mandatory or opt out. If they go with the opt out plan, the ordinance will need to list the rules the City would like to include in the program. Each community can prepare their own list of regulations or they can go with the sample copy created by the District and included in the packet.

He explained the opt out option and said it was drafted to increase participation of the program to help conserve landfill space and protect our environment.

Neil said the base rate negotiated with Dixie Waste for the opt out option is \$3.82. The mandatory option would be \$3.62 per household. If 70% of the residents of the participating cities in Washington County participate, the rate will drop to \$2.94.

The City also has the ability to add its own administrative cost to that amount to cover the cost of administering the program.

Right now, the program will accept paper, plastic, metal and cardboard, no glass.

Councilman Hirschi asked if there would be a penalty for putting items not approved for the recycling program in the can.

Neil replied there would not be a penalty but in the agreement, Dixie Waste agreed to monitor the cans and attach flyers to the can educating the owner. The top of the recycling can will have a list of what is acceptable and what is not.

Fay mentioned the down side to the opt out program, especially if the City goes with an extended opt out option, is the administrative cost of keeping track of each household, that is why some of the cities have gone with the mandatory option.

Councilman Hooten said the majority of the people he has talked to don't want the program at all and the ones that are willing to participate feel the opt out option is the only fair way to implement it.

The other issue that concerns him is that recycling is often more expensive than purchasing a new product. He questioned how the fluctuating cost of recycling would affect the cost of the program in the future.

Neil replied the five-year agreement with Dixie Waste is strictly for collecting the materials. There is also a five-year agreement with Rocky Mountain Recycling that they will pay the Solid Waste District for the collected materials.

There may come a time when the District is required to pay Rocky Mountain Recycling to take the material. The contract states the most they can charge is \$5.00 per ton and that is cheaper than what it would cost to put the same material in the landfill so the District will absorb that cost.

If Solid Waste makes money on the material they collect, that money will be given back to the participating communities as they have done with the binnie program. The money they save from not having to bury the residential waste in the landfill will help to keep Solid Waste rates down.

At the end of the five years, the District is hoping to merge the two contracts together and either renegotiate or put out to bid for a lower rate.

The recycling material will be picked up on the same day as the trash is but will only be collected every other week.

The binnies will still be available in the communities that choose the opt out plan. If they do not get used enough the District may choose to remove them. Glass recycling will still be available at the binnies.

Councilman Reeve is in favor of the opt out program. It gives residents the ability to choose, at the same time it gets the program moving forward.

He feels it's the right thing to do. We need to start to be responsible, to save the landfill and to save money.

Mayor Gubler agreed we do need to be responsible. The Councilmembers need to decide if it will save the citizens money by opting out versus mandatory. The City will need to charge an administrative fee.

Councilman Hooten is in favor of a recycling program but feels it needs to be done in the most cost effective way to cause the least amount of impact for members of the community. Some people have a difficult time with their budget.

He also feels the opt out should be available to each person moving into the community anytime.

Mayor Gubler pointed out the City may need to charge the citizens more for an anytime opt out version.

Fay said the Council does have one more meeting in August so they could decide if they would like to be part of the program and then use the time until the next meeting to draft an ordinance for the regulations.

**Motion was made by Councilman Randy Reeve to approve Resolution No. R-2015-14, a resolution approving the Curbside Residential Recycling Collection Agreement between Washington County Special Service District No. 1 and Dixie Waste Services and authorizing the execution of an Agreement between Washington County Special Service District No. 1 and the City of La Verkin, second by Councilman Ken Hooten.**

Kevin said if the Council approves the motion La Verkin will be part of the recycling program and will need to decide the regulations at the next meeting.

**Browning-no, Hirschi-yes, Hooten-yes, Reeve-yes. Motion passes.**

Mayor Gubler explained the Council would need to contact Kevin before the next meeting to let him know the regulations they would like to have in the ordinance. The ordinance will need to be passed at the next meeting to meet the September 1 deadline.

Fay explained the District would like the entire County to run the 60 day opt out simultaneously starting September 1<sup>st</sup>. The District would like to know how many people would be in the program by November 1 so the contractor is able to order the necessary equipment.

Councilwoman Browning said she voted no because the people that have contacted her all agree that recycling is an important thing but with all of the taxes and service fees that have been voted on within the last four months and more coming, they will add up. She is very concerned about the person who's every penny counts. Since the Council has agreed with participating in the program she feels the only program that should be considered is the opt out version. We should not force anything on our citizens. The other reason she voted no was the amount of additional work this will make for our employees.

**Motion was made by Councilman Ken Hooten to table the approval of Ordinance No. 2015-07, An ordinance establishing the City of La Verkin Curbside Residential Recycling Collection Program, including rules and procedures for implementation and enforcement of said program, second by Councilman Randy Reeve. Reeve-yes, Hooten-yes, Hirschi-yes, Browning-yes. Motion carried unanimously.**

Fay thanked the Councilmembers for their support and mentioned there are other cities drafting additional changes.

1. Letter of resignation from Councilman Ray Justice.

Mayor Gubler reported Councilman Justice has moved to Branson, Missouri.

Kyle stated any candidate that would like to fill the vacancy could file a Declaration of Candidacy with him during office hours at the City Office from Monday, August 10<sup>th</sup> through Thursday, August 27<sup>th</sup>. Interested parties need to be a registered voter, have lived in La Verkin for the past 12 months, be mentally competent and have not been convicted of treason or be a convicted felon. During the September 2 City Council meeting the candidates will be interviewed and voted on.

2. Discussion and possible action to approve Ordinance No. 2015-06; An ordinance amending the City Zoning Map of and for the City of La Verkin, rezoning from One Family Residential (R-1-8) to General Commercial (C) the property bounded on the south and west by 200 North and 180 West streets.

Councilman Hooten is in favor of the proposed ordinance. He feels La Verkin does need more businesses. He thinks this will be an improvement to the neighborhood and the improvements from the business will benefit the surrounding property owners.

Linda Fowler- Is a resident of La Verkin. Her house is directly across the street from this property. She doesn't want the additional traffic this business will bring. The business that would like to build there is not a commercial business, but an industrial one. The amount of traffic from 200 North onto SR9 is already a problem.

She doesn't feel a factory belongs in the middle of a residential area. This business may not cause a problem but what about the business that comes after them.

Councilman Hooten mentioned commercial business covers many different types of business. There is a similar situation and business on Center Street. He is on that corner every day during the school year and there is very little impact.

Mayor Gubler stated the public hearing for this issue has already been held.

**Motion was made by Councilman Ken Hooten to approve Ordinance No. 2015-06, an ordinance amending the City zoning Map of and for the City of La Verkin, rezoning from One Family Residential (R-1-8) to General Commercial (C) the property bounded on the south and west by 200 North and 180 West streets, second by Councilman Richard Hirschi. Browning-yes, Hirschi-yes, Hooten-yes, Reeve-yes. Motion carried unanimously.**

4. Discussion and possible action to approve the PEHP 2015-16 Health Contract.

Kyle explained this contract has been in effect since July 1, 2015. The Insurance Company just sent it to the City. The plan increased by 10%.

**Motion was made by Councilman Ken Hooten to approve the PEHP 2015-16 Health Contract, second by Councilwoman Chantelle Browning. Browning-yes, Hirschi-yes, Hooten-yes, Reeve-yes. Motion carried unanimously.**

#### **G. Staff, Mayor & Council Reports:**

*City Administrator- Kyle Gubler*

Kyle emailed his report to the Councilmembers.

July 4<sup>th</sup> and 24<sup>th</sup> were very successful. The next major event will be Winterfest on Saturday, December 5<sup>th</sup>.

The Stage Coach Grille should be open Monday, August 10<sup>th</sup>.

A new hotel is going through the process with the Planning Commission, they will be having a public hearing for the project and it should be on the next City Council agenda.

The building and impact fee report was included in his email along with the Community Service Report.

The annual vacation report keeps track of the vacation hours accrued by the employees. Derek is the only employee over and he is working on getting his number down.

Dorothy Frazier sent the City/Council a thank you card for the July 4<sup>th</sup> celebration.

Councilman Hooten reported over 700 breakfasts were served on July 24<sup>th</sup>.

*Public Safety- Chief Ben Lee*

Chief reported a resident from Scottsdale Arizona was given wrong information by the Best Western on eating establishments in La Verkin and had gotten lost; Officer Wolsleger was able to help them. The man called Chief to let him know how helpful and nice Officer Wolsleger was.

He invited the Councilmembers to call or visit him with any thoughts or ideas they may have for the Police Department and helping them reach their goals.

He has met with Principal Leavenworth to address some parking issues before school starts next week.

The Department has purchased stop sticks with money from the Alcohol Grant. There have been several high-speed chases that have come through our City and this equipment will help deal with those situations.

There have been 201 calls since January 1 and 12 adult arrests. They have also assisted Child and Family Services with warrants and removing children from two homes.

There have also been two aggravated assaults on our officers in the last several weeks.

The police department has an officer on duty most days from 7am-midnight or 2am.

*Director of Operations-Derek Imlay*

Passed out an irrigation report for the month of July. The irrigation season has been going for about five months and we have used 984-acre feet with 1665-acre feet left. His crew is still placing blue hangers when they see someone watering outside of the recommended time.

The final striping for SR9 will be on August 10<sup>th</sup> and will finish up the project. The final walk through is August 18<sup>th</sup>.

There have been 15 culinary water breaks in the last three weeks, three of which haven't been fixed yet.

He has spent 30% of his budget for maintenance already.

If the Councilmembers would like to look at the SCADA system, it will show the busy times and the down times. People have gotten much better at watering during the recommended watering time.

*Treasurer-Troylinn Benson*

Jennifer, Christy and Troylinn have been busy getting ready for the audit. The front desk has also been getting a lot of calls for high water reads because there are a lot of breaks.

If staff notices the meter spinning while doing reads they will leave a door hanger stating there may be a leak and to call a plumber.

*Mayor Gubler*-His biggest concern is the recycling program. He feels we should be either all in or all out, but is not sure what would be cheapest for our citizens.

*Browning*-Dumpster Days and the State Street Cleanup coincide this year on October 2 & 3.

Mosquito Abatement has been very busy with all of the recent rain. The Hurricane Fields area has always been a problem and has had a big hatch of floodwater mosquitos. They think they have found the source and have fixed the problem.

One issue the District has found is developers creating new subdivisions are using the park they are required to put in as the detention basin for rainwater. They are planting grass in the detention basin, which is creating a breeding ground for mosquitos so they have asked all cities to be aware of this issue and not allow grass in the detention basin.

There have been positive reports for the West Nile Virus in northern Utah but nothing in southern Utah. Floodwater mosquitos are typically not disease carrying mosquitos.

*Hirschi*-Nothing to report.



*Hooten*- Recognized the Scout Troops in attendance and mentioned if they need an Eagle Project, Confluence Park has several things they need done.

Hurricane is back in the Hurricane Valley Fire District and Leeds will be coming in shortly.

The area is growing quickly and with that growth come changes, the Fire District is one of those areas that growth directly affects. If the proposed hotel is approved it is a four story building and will require a new fire apparatus, which is very expensive. Growth is a good thing but we also need to keep our community safe and that will require additional manpower and apparatuses.

*Reeve*-Nothing to report.

**H. Adjourn:**

**Motion was made by Councilwoman Chantelle Browning to adjourn, second by Councilman Ken Hooten. Browning-yes, Hirschi-yes, Hooten-yes, Reeve-yes. Motion carried unanimously at 7:20pm.**

Minutes were taken on behalf of the City Recorder by Christy Ballard.

September 2, 2015  
Date Approved

ATTEST:

Kyle Gubler  
Kyle Gubler  
City Recorder

Kerry T. Gubler  
Mayor Kerry T. Gubler

